

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
MENDEL ZILBERBERG,	:	
	:	19 Cr 802 (GBD)
Defendant.	:	
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WHEREAS, on or about November 8, 2019, MENDEL ZILBERBERG (the “Defendant”), was charged in a six-count Indictment, 19 Cr. 802 (GBD) (the “Indictment”), with conspiracy to commit bank fraud, in violation of Title 18, United States Code, Sections 1349 and 3293 (Count One); bank fraud, in violation of Title 18, United States Code, Sections 1344, 3293 and 2) (Count Two); conspiracy to make false statement to a bank, in violation of Title 18, United States Code, Sections 371 and 3293 (Count Three); making false statements to a bank, in violation of Title 18, United States Code, Sections 1014, 3293 and 2 (Count Four and Five); and embezzlement and misappropriation of bank funds in violation of Title 18, United States Code, Sections 656, 3293 and 2);

WHEREAS, the Indictment included a forfeiture allegation as to Count One through Six of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any and all property, constituting or derived from proceeds obtained, directly or indirectly, as a result of the commission of the offenses charged in Counts One through Six of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Six of the Indictment;

WHEREAS, on or about July 11, 2023, the Defendant was found guilty, following a jury trial, of Counts One through Four and Six of the Indictment;

WHEREAS, the Government asserts that \$506,000 in United States currency that represents any and all property, real and personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offenses charged in Counts One through Four and Six of the Indictment, that the Defendant personally obtained;

WHEREAS, the Government seeks a money judgment in the amount of \$506,000 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One through Four and Six of the Indictment, that the Defendant personally obtained; and

WHEREAS, the Court finds that as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in in Counts One, Two, Three, Four and Six of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One through Four and Six of the Indictment, to which the Defendant was found guilty, following a jury trial, a money judgment in the amount of \$506,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in in Counts One through Four and Six of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, MENDEL

ZILBERBERG, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.


6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

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7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Dated: New York, New York
March 19, 2024

SO ORDERED:


HONORABLE GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE